

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

TONY J. BRISKER,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of
Social Security,

Defendant.

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*Civil Action No. 05-00091-BH-B

ORDER

After due and proper consideration of all portion of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated August 19, 2005 is hereby **ADOPTED** as the opinion of this Court.

Accordingly, for good cause shown and because no answer has been filed, it is **ORDERED** that Defendant's "Motion and Memorandum for Entry of Judgment Pursuant to Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to the Defendant" (Doc. 13) be and hereby is **GRANTED** and that this action is **REMANDED** to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g), so that the Administrative Law Judge may articulate his evaluation of the severity of Plaintiff's alleged mental impairments pursuant to 20 C.F.R. § 404.1520 and Moore v.

Barnhart, 405 F.3d 1208 (11th Cir. 2005).

This remand, pursuant to sentence four of Section 405(g), makes Plaintiff a prevailing party for purposes of the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. See Shalala v. Schafer, 509 U.S. at 297-298, 300-302 (1993).

DONE this 12th day of September, 2005.

s/ W. B. Hand

SENIOR DISTRICT JUDGE